

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORPORAL TRINIDAD NAVARRO,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-565 (GMS)
)	
CHRISTOPHER A. COONS,)	
individually and in his official)	
capacity; GUY H. SAPP, individually)	JURY TRIAL DEMANDED
and in his official capacity; and)	
NEW CASTLE COUNTY, a)	
municipal corporation,)	
)	
Defendants.)	

JOINT STATUS REPORT

The parties respectfully submit this joint status report pursuant to the Court's Notice of Scheduling Conference of November 15, 2005 (D.I. 8 and 9) and Fed.R.Civ.P. 26(f).

1. **Jurisdiction and service.** The parties agree that the Court has subject matter jurisdiction and that each of the parties is subject to the Court's jurisdiction. There are no parties that remain to be served.

2. **Substance of the action.** This is an action brought under 42 U.S.C. §1983 by a public employee, who alleges that he was denied a promotion in retaliation for the exercise of his First Amendment right to free speech. Defendants deny that they took any retaliatory action and deny that they are liable to plaintiff in any way.

3. **Identification of issues.** Central and significant areas of disagreement between the parties include (a) what exactly was said in the various meetings and conversations referenced and paraphrased in plaintiff's complaint; (b) the plaintiff's performance and qualifications; (c) whether

the decision to not authorize two additional promotions to sergeant was in retaliation against the plaintiff; (d) whether the individual defendants are entitled to qualified immunity; and (e) the plaintiff's alleged damages.

4. **Narrowing of issues.** The parties anticipate that there will be a motion for dismissal by the individual defendants on the basis of qualified immunity, as well as a motion (or cross-motions) for summary judgment. Until those motions are resolved, further narrowing of the issues is unlikely.

5. **Relief.** Plaintiff seeks injunctive relief to promote him to sergeant, pecuniary damages for the failure to promote, as well as attorney's fees and costs.

6. **Amendment of pleadings.** By January 30, 2006.

7. **Joinder of parties.** By January 30, 2006.

8. **Discovery.** The parties contemplate taking fact discovery from one another, as well as from third-party witnesses and participants. The parties have agreed to the following schedule:

- (a) initial disclosures on or before December 13, 2005;
- (b) plaintiff's expert disclosures on or before May 22, 2006;
- (c) defendants' expert disclosures on or before June 26, 2006;
- (d) all discovery shall be initiated so that it will be completed on or before July 31, 2006; and
- (e) dispositive motions shall be filed on or before August 28, 2006.

At present, the parties do not anticipate the need for any alterations in the discovery limits set forth in the Federal Rules of Civil Procedure and D.Del. L.R. 26.1.

9. **Estimated trial length.** If a trial is necessary, the parties estimate that it would last approximately one week.

10. **Jury trial.** The plaintiff's complaint demands a jury trial.

11. **Settlement.** There have not been settlement discussions. Referral to the Magistrate for mediation would seem appropriate.

12. **Other matters.** None.

13. Counsel for the parties have conferred about each of the above matters.

/s/ Jeffrey K. Martin (No. 2407)

Jeffrey K. Martin (No. 2407)
Timothy J. Wilson (No. 4323)
Margolis Edelstein
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680
jmartin@margolisedelstein.com
twilson@margolisedelstein.com
Attorneys for Plaintiff

/s/ Megan Sanfrancesco (No. 3801)

Michele D. Allen (No. 4359)
Judith A. Hildick (No. 3244)
Megan Sanfrancesco (No. 3801)
New Castle County Law Department
87 Reads Way
New Castle, DE 19720
(302) 395-5130
mdallen@co.new-castle.de.us
jahildick@co.new-castle.de.us
msanfrancesco@co.new-castle.de.us
Attorneys for Defendant New Castle
County

/s/ Jeffrey S. Goddess (No. 630)

Jeffrey S. Goddess (No. 630)
Norman M. Monhait (No. 1040)
Rosenthal, Monhait, Gross
& Goddess, P.A.
Suite 1401, 919 Market Street
P. O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com
nmonhait@rmgglaw.com
Attorneys for Defendants
Christopher A. Coons and Guy H. Sapp